

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2012-20
Petition of Terry O'Reilly
7 Hastings Street

Record Owner of Property: Mary E. Connors c/o Frances Sampson

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 1, 2012, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of TERRY O'REILLY requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that construction of a 10 foot by 12.5 foot second story addition over an existing nonconforming structure with less than required front yard and right side yard setbacks, on a 6,964 square foot lot in a Water Supply Protection District in which the minimum lot size is 15,000 square feet, at 7 HASTINGS STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 13, 2012, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Terry O'Reilly (the "Petitioner"), who said that the request is to add a bathroom on top of the existing first floor structure.

The Board asked about the history of the project. The Board said that currently the house appears to be empty. Mr. O'Reilly said that he recently acquired the property. He said that he applied for a permit for a landscaper to clean up the lot.

The Board observed that the lack of windows at the second floor was because of the proposed sauna portion of the addition.

The Board said that the side yard nonconformity is less than one foot. The Board said that the front yard setback is also nonconforming.

There was no one present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 7 Hastings Street, on a 6,964 square foot lot in a district in which the minimum lot size is 15,000 square feet, with a minimum front yard setback of 19.7 feet and a minimum right side yard setback of 19.3 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 10 foot by 12.5 foot second story addition over an existing nonconforming structure with less than required front yard and right side yard setbacks, on a 6,964 square foot lot in a Water Supply Protection District in which the minimum lot size is 15,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 2/8/12, stamped by Peter J. Nolan, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevations Drawings, dated 2/3/12, prepared by Dennis Colwell Architect, Inc., and photographs were submitted.

On February 28, 2012, the Planning Board reviewed the petition and recommended that the Special Permit be granted.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that construction of a 10 foot by 12.5 foot second story addition over an existing nonconforming structure with less than required front yard and right side yard setbacks, on a 6,964 square foot lot in a Water Supply Protection District in which the minimum lot size is 15,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of a 10 foot by 12.5 foot second story addition over an existing nonconforming structure with less than required front yard and right side yard setbacks, on a 6,964 square foot lot in a Water Supply Protection District in which the minimum lot size is 15,000 square feet, in accordance with the submitted plot plan and construction drawings.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.

David G. Sheffield, Acting Chairman

Robert W. Levy

Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm